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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/732,872	12/09/2003	James S. Voss	200314446-1	6939

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EXAMINER	
BEMBEN, RICHARD M	
ART UNIT	**PAPER NUMBER**
2622	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/732,872	VOSS ET AL.	
	Examiner	Art Unit	
	Richard M. Bemben	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 December 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date [redacted].
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2-6 and 8-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The autocalibration firmware 13 which is software (p. 4, ll. 28-29 of applicant's specification) cannot have a user interface with a menu and buttons. It is well known in the art that software is code or commands that instruct a computer or processor to perform a task. Software may be used to display a menu on a user interface. However, the user interface itself and buttons are well known in the art as hardware.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1, 2, 5-8, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over McConica et al. (DE 10111434), hereafter "McConica" in view of Tomaszewski (US 5,918,192) in further view of Uchikawa (US 7,123,294).

[Claim 1] McConica discloses a system comprising:

a digital camera *(p. 11, l. 25 – p. 19, l. 6; Figs. 1&2, "120")* that comprises a lens *(p. 14, l. 16 – p. 15, l. 1; Figs. 1&2, "138")*, an image sensor *(p. 14, l. 17 – p. 16, l. 26; Figs. 1-3, "140")*, a display *(p. 37, ll. 16-24)*, a video output port for coupling the camera to a television having a television display screen *(p. 11, l. 25 – p. 14, l. 12; p. 17, ll. 19-30; Fig. 1, "146"; p. 20, l. 30 – p. 23, l. 32; Figs. 1, 2 and 5, "300"; Also refer to p. 37, ll. 16-24)*, and processing circuitry *(p, 14, ll. 17-29; p. 16, l. 27 – p. 17, l. 31; Figs. 1&2, "142")*;

a test signal comprising a beacon stored in the digital camera *(p. 17, l. 32 – c. 19, l. 6)*;

and autocalibration firmware *(note that applicant's specification defines firmware as "software algorithm", p. 3, ll. 22-23)* that runs on the processing circuitry and when the camera is coupled to a television, prompts the user to point the digital camera at the television display screen *(p. 27, ll. 7-10; p. 37, ll. 21-23)*, displays the test signal and beacon on the television display screen, images the test signal and beacon displayed on the television display screen, determines how much viewing area is available on the television display screen, and allows for adjustment the sizes of the images transferred from the camera for display on the television display screen to provide for the maximum viewing area while minimizing cropping or clipping of the images *(p. 28, l. 33 – c. 33, l. 26; Fig. 6; specifically p. 33, ll. 12-26)*.

However, McConica does not disclose that the test signal and beacon are moved horizontally and vertically towards respective edges of the television screen to determine how much viewing area is available on the television display screen.

Tomaszewski discloses a system comprising a digital camera *(c. 2, ll. 53-61; Fig. 1, "120")*; a display screen *(c. 2, ll. 41-52; Fig. 1, "140", "142")*; and calibration software which prompts a user to point the digital camera at a display screen *(c. 3, l. 54 – c. 4, l. 10)*. Tomaszewski further discloses displaying a test signal on the display screen and moving the test signal horizontally and vertically towards respective edges of the television screen to characterize the display, and inherently determines how much viewing area is available on the television display screen *(c. 4, ll. 13-50)*. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to move a test signal over the entire viewing area of the display as disclosed by Tomaszewsi in the system disclosed by McConica in order to test/characterize each pixel of the display.

However, McConica in view of Tomaszewski does not disclose that the sizes of the images transferred from the camera for display on the television display screen are automatically adjusted.

Uchikawa discloses a method and apparatus for automatically adjusting of size of images to fit various display screens *(c. 3, ll. 17-28; c. 4, ll. 17-39)*. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to automatically adjust the size of images to fit various display screens as disclosed by

Uchikawa in the system disclosed by McConica in view of Tomaszewski in order to eliminate user error in trying to resize images.

[Claim 2] Refer to the rejection of claim 1 and that the digital camera comprises a user interface that allows the user to selectively adjust the horizontal and vertical size of the displayed image *(p. 33, ll. 12-26; p. 37, ll. 16-24)*.

[Claim 5] Refer to the rejection of claim 2 and the user interface comprises a menu *(c. 37, ll. 16-24)*.

[Claim 6] Refer to the rejection of claim 2 and the user interface comprises buttons *(it is inherent that the digital camera interface comprises buttons, at least a shutter button)*.

Claims 7, 8, 11 and 12 are method claims corresponding to apparatus claims 1, 2, 5 and 6, respectively. Therefore, claims 7, 8, 11 and 12 are analyzed and rejected as previously discussed with respect to claims 1, 2, 5 and 6, respectively.

5. Claims 3, 4, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over McConica in view of Tomaszewski in further view of Uchikawa and Konishi et al. (JP 2000-138889), hereafter Konishi.

[Claim 3] McConica in view of Tomaszewski in further view of Uchikawa disclose a system that determines an appropriate display size for images on various displays *(refer to the rejection of claims 1 and 2)*. However, McConica in view of

Tomaszewski in further view of Uchikawa do not disclose that the television display screen comprises a 16:9 HDTV television display screen.

Konishi discloses a system that determines an appropriate display size for images on various display devices comprising a display screen that is a 16:9 HDTV television display screen *([0005]-[0008]; [0012]; [0016]-[0024])*. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to support a 16:9 HDTV screen as disclosed by Konishi in the system disclosed by McConica in view of Tomaszewski in further view of Uchikawa in order to display images on "future" displays, or state of the art consumer electronic displays and TVs.

[Claim 4] McConica in view of Tomaszewski in further view of Uchikawa disclose a system that determines an appropriate display size for images on various displays *(refer to the rejection of claims 1 and 2)*. However, McConica in view of Tomaszewski in further view of Uchikawa do not disclose that the television display screen comprises a 4:3 NTSC television display screen.

Konishi discloses a system that determines an appropriate display size for images on various display devices comprising a 4:3 NTSC television display screen *([0005]-[0008]; [0012]; [0016]-[0024])*. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to support a 4:3 NTSC television display screen as disclosed by Konishi in the system disclosed by McConica in view of Tomaszewski in further view of Uchikawa in order to display images on older electronic display devices, such as CRTs.

Claims 9 and 10 are method claims corresponding to apparatus claims 3 and 4, respectively. Therefore, claims 9 and 10 are analyzed and rejected as previously discussed with respect to claims 3 and 4, respectively.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Anderson (US 6,313,877) discloses a system and method for managing display formats for a peripheral display coupled to an digital imaging device.

Takahashi et al. (US 2004/0061797) disclose a digital camera which performs optimum image display on a display device such as a digital TV.

Aoki et al. (US 5,650,844) disclose a LCD panel image quality inspection system and LCD image presampling method.

Harshbarger, Jr. et al. (US 5.351,201) disclose a method and apparatus for evaluating the degradation of a video display device.

Ahn (US 6,690,818) discloses an apparatus and a method for inspecting an image, synchronizing a pattern frame synchronizing signal and an image frame synchronizing signal to initiate grabbing an inspection pattern, where the pattern frame synchronizing signal and the image frame synchronizing signal have different frequencies.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard M. Bemben whose telephone number is (571) 272-7634. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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